

Also, petition of Boston Wholesale Grocers' Association, for amendment of Sherman antitrust law, for benefit of trade associations—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: Paper to accompany H. R. 4525—to the Committee on Military Affairs.

By Mr. PAYNE: Paper to accompany bill for relief of Sidney S. Smith—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of third-class postmasters of First Congressional District of Nebraska, for increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Wholesale and Retail Hardware Joint Committee, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Paper to accompany bill for relief of Blair W. Peck (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. RIORDAN: Petition of masters and pilots, for H. R. 31, for a light and fog signal on Governors Island—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Petition of Local Union No. 9, International Typographical Union, of Buffalo, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. SHEPPARD: Paper to accompany bill for relief of Martha C. Pace—to the Committee on Pensions.

By Mr. SLEMP: Paper to accompany bill for relief of John W. Hyatt—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petition of Columbia County Union of Educational and Cooperative Association of America, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tampa Board of Trade, for legislation to safeguard deposits in national banks—to the Committee on Banking and Currency.

Also, petition of Central Trades and Labor Assembly, of Tampa, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petitions of Edward P. Nobles and others and Wilbur W. Smith and others, citizens of Connecticut, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of Duluth (Minn.) Commercial Club, for amendment to interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of T. W. Lee and others, for legislation to preserve the wild elk of western mountains or forest reserves—to the Committee on Agriculture.

Also, petition of H. Bahn, for resumption of work at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Massachusetts Library Club, against a bill entitled "A bill to consolidate and revise the acts respecting copyright" (S. 2900; H. R. 11794)—to the Committee on Patents.

Also, petition of Merchants' Association of New York, for an adequate pension for the widows and children of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. TALBOTT: Paper to accompany bill for relief of civil war transport men—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Paper to accompany bill for relief of John Scott—to the Committee on Military Affairs.

By Mr. WEISSE: Petition of American Institute of Electrical Engineers, for forest preservation to conserve water powers—to the Committee on Agriculture.

By Mr. WILEY: Petition of William B. Gere, of Bessemer, Ala., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WOOD: Petitions of J. E. Pinkney, James B. Ladd, Warren D. Church, J. Frank Wilkes, and Carl H. Graf, all of Hoboken, N. J., for return of collateral inheritance tax to Stevens Institute of Technology, Hoboken, N. J.—to the Committee on Claims.

By Mr. YOUNG: Memorial of house of representatives of Michigan, against reduction of tariff on sugar from Philippines—to the Committee on Ways and Means.

Also, petition of Wholesale and Retail Hardware Joint Commission, of Fort Smith, Ark., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alma (Mich.) Board of Trade, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

## SENATE.

WEDNESDAY, January 29, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

## FINANCIAL STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 12, 1907, a statement relative to Treasury operations, United States depositaries, condition of national banks, etc., which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

## GREAT FALLS AND OLD DOMINION RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Great Falls and Old Dominion Railroad Company for the year ended December 31, 1907, which was referred to the Committee on the District of Columbia, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, returned to the Senate in compliance with its request the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 9121. An act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa;

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct a bridge across the Grand Calumet River in the town of Gary, Ind.;

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.; and

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Council No. 4, United Commercial Travelers of America, of Indianapolis, Ind., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cronomer Valley Grange, No. 982, Patrons of Husbandry, of Orange County, N. Y., and a petition of Orange County Pomona Grange, Patrons of Husbandry, of Newburgh, N. Y., praying for the enactment of legislation to establish a national park in the Highlands of the Hudson, in that State, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STONE presented a petition of Local Union No. 88, International Typographical Union, of Hannibal, Mo., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Moberly, Mo., praying for the enactment of legislation to improve the present financial system, which was referred to the Committee on Finance.

He also presented a petition of the Farmers' Educational and Cooperative Union of Scott County, Mo., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Government Townsite Protective Association of the State of Oklahoma, praying for the enactment of legislation for the relief of landowners on town sites and in the segregated land district in that State from the encroachments of "squatters," which was referred to the Committee on Public Lands.

He also presented a petition of the Medical Association of Madison County, Mo., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr.

James W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of the State Federation of Labor of Kansas City, Mo., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry volunteer officers of the civil war, of Sedalia, Edina, St. Louis, Springfield, Kirksville, all in the State of Missouri, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. GAMBLE presented a petition of the Men's Christian Club of Alexandria, S. Dak., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BURROWS presented a memorial of the general conference of the Seventh-Day Adventists, which was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

*To the honorable Senate and House of Representatives, in Congress assembled:*

Your memorialists respectfully represent that the body of Christian believers with which they are connected, the Seventh-Day Adventists, and whose views they represent, has a growing membership residing in every State and Territory in the Union; that nearly all these members are native-born American citizens, and that it is supporting missionaries and has a following in every continent of the world. It is a Protestant body, which was established in this country about sixty years ago.

We recognize the authority and dignity of the American Congress as being the highest lawmaking power in the land, to whose guidance and fostering care have been committed the manifold interests of this great country, and our justification for presenting this memorial to your honorable body is that we are not seeking to direct your attention to any private or class concerns, but to principles which are fundamental to the stability and prosperity of the whole nation. We therefore earnestly ask your consideration of the representation which we herewith submit.

We believe in civil government as having been divinely ordained for the preservation of the peace of society and for the protection of all citizens in the enjoyment of those inalienable rights which are the highest gift to man from the Creator. We regard properly constituted civil authority as supreme in the sphere in which it is legitimately exercised, and we conceive its proper concern to be "the happiness and protection of men in the present state of existence, the security of the life, liberty, and property of the citizens, and to restrain the vicious and encourage the virtuous by wholesome laws, equally extending to every individual." As law-abiding citizens we seek to maintain that respect for authority which is the most effective bulwark of just government, and which is especially necessary for the maintenance of republican institutions upon an enduring basis.

We heartily profess the Christian faith, and have no higher ambition than that we may consistently exemplify its principles in our relations to our fellow men and to the common Father of us all. We cheerfully devote our time, our energies, and our means to the evangelization of the world, proclaiming those primitive principles and doctrines of the gospel which were interpreted anew to mankind by the Saviour of the world, and which were the fundamental truths maintained by the church in apostolic times. We regard the Holy Scriptures as the sufficient and infallible rule of faith and practice, and consequently discard as binding and essential all teachings and rituals which rest merely upon tradition and custom.

While we feel constrained to yield to the claims of civil government and religion, as both being of divine origin, we believe their spheres to be quite distinct the one from the other, and that the stability of the Republic and the highest welfare of all citizens demand the complete separation of church and state. The legitimate purposes of government "of the people, by the people, and for the people," are clearly defined in the preamble of the national Constitution to be to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty" to all. All these aims are of a temporal nature and grow out of the relations of man to man. The founders of the nation, recognizing that "the duty which we owe our Creator, and the manner of discharging it, can only be directed by reason and conviction," and is nowhere cognizable but at the tribunal of the Universal Judge," wisely excluded religion from the concerns of civil government, not because of their indifference to its value, but because, being primarily a matter of the heart and conscience, it did not come within the jurisdiction of human laws or civil compacts. The recognition of the freedom of the mind of man and the policy of leaving the conscience untrammelled by legislative enactments have been abundantly justified by a record of national development and prosperity which is unparalleled in history. This is the testimony of our own experience to the wisdom embodied in the principle enunciated by the Divine Teacher of Christianity: "Render unto Caesar the things that are Caesar's, and to God the things that are God's."

We therefore view with alarm the first indication of a departure from this sound principle. In the history of other nations of the world, where church and state have been united to a greater or less degree, or where the struggle to separate them is now in progress, we have a warning, oftentimes written in blood, against the violation of this doctrine which lies at the foundation of civil and religious liberty. We affirm that it is inconsistent with sound reasoning to profess firm adherence to this principle of the separation of church and state, and at the same time endeavor to secure an alliance between religion and the state, since the church is simply religion in its organized and concrete expression; and, furthermore, that the same authority which can distinguish between the different religions demanding recognition, and give preference to one to the exclusion of the others, can with equal right and equal facility distinguish between the different denominations or factions of the same religion, and dispense to one advantages

which it denies to the others. These considerations ought to make it doubly clear that what God has put asunder man ought not to attempt to join together.

A more specific reference to an important period of history may illustrate and enforce the affirmations herein set forth. Under a complete union of a heathen religion and the state, with extreme pains and penalties for dissenters, the first disciples, directed by the Divine commission, proclaimed the doctrines of Christianity throughout the Roman Empire. For nearly three centuries the warfare of suppression and extinction was waged by this haughty power, glorying in the superiority of its own religion, against nonresistant, but unyielding adherents to the right to worship according to the dictates of their own consciences. Then came a reversal of the unsuccessful policy, and what former emperors had vainly sought to destroy, Constantine, as a matter of governmental expediency, embraced, and Christianity became the favored religion.

Then began that period of "Indescribable hypocrisy" in religion, and of sycophancy and abuse of power in the state. "The apparent identification of the state and the church by the adoption of Christianity as the religion of the Empire altogether confounded the limits of ecclesiastical and temporal jurisdiction. The dominant party, when it could obtain the support of the civil power for the execution of its intolerant edicts, was blind to the dangerous and un-Christian principle which it tended to establish. . . . Christianity, which had so nobly asserted its independence of thought and faith in the face of heathen emperors, threw down that independence at the foot of the throne, in order that it might forcibly extirpate the remains of paganism and compel an absolute uniformity of Christian faith."—*Milman*.

"To the reign of Constantine the Great must be referred the commencement of those dark and dismal times which oppressed Europe for a thousand years. . . . An ambitious man had attained to imperial power by personating the interests of a rapidly growing party. The unavoidable consequences were a union between church and state, a diverting of the dangerous classes from civil to ecclesiastical paths, and the decay and materialization of religion."—*Draper*.

Succeeding decades bore testimony to the fact that "the state which seeks to advance Christianity by the worldly means at its command may be the occasion of more injury to this holy cause than the earthly power which opposes it with whatever virulence."—*Neander*.

It was but a series of logical steps from the union of church and state under Constantine to the Dark Ages and the Inquisition, some of these steps being the settlement of theological controversies by the civil power, the preference of one sect over another, and the prohibition of unauthorized forms of belief and practice, and the adoption of the un-Christian principle that "it was right to compel men to believe what the majority of society had now accepted as the truth, and, if they refused, it was right to punish them."

All this terrible record, the horror of which is not lessened nor effaced by the lapse of time, is but the inevitable fruit of the acceptance of the un-Christian and un-American doctrine so inimical to the interests of both the church and the state that an alliance between religion and civil government is advantageous to either. If the pages of history emphasize one lesson above another, it is the sentiment uttered on a memorable occasion by a former President of this Republic: "Keep the state and the church forever separate."

The American colonists, who had lived in the mother country under a union of the state and a religion which they did not profess, established on these shores colonial governments under which there was the closest union between the state and the religion which they did profess. The freedom of conscience which had been denied to them in the old country, they denied to others in the new country; and uniformity of faith, church attendance, and the support of the clergy were enforced by laws which arouse righteous indignation in the minds of all liberty-loving men of this century.

The pages of early American history are stained with the shameful record of the persecution which must always attend the attempt to compel the conscience by enforcing religious observances. The Baptists were banished, the Quakers were whipped, good men were fined or exposed to public contempt in the stocks, and cruel and barbarous punishments were inflicted upon those whose only crime was that they did not conform to the religion professed by the majority and enforced by the colonial laws. And all these outrages were committed in the name of justice, as penalties for the violation of civil laws. "This was the justification they pleaded, and it was the best they could make. Miserable excuse! But just so it is: Wherever there is such a union of church and state, heresy and heretical practices are apt to become violations of the civil code, and are punished no longer as errors in religion, but as infractions of the laws of the land."—*Baird*. Thus did the American colonies pattern after the governments of the Old World, and thus was religious persecution transplanted to the New World.

We respectfully urge upon the attention of your honorable body the change which was made when the National Government was established. The men of those times learned the meaning and value of liberty, not only of the body, but also of the mind, and "vindicting the right of individuality even in religion, and in religion above all the new nation dared to set the example of accepting in its relations to God the principle first divinely ordained of God in Judea."—*Bancroft*. Warned by the disastrous results of religious establishments in both the Old and the New World, these wise builders of state excluded religion from the sphere of the National Government in the express prohibition, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Thus they founded a nation, the first in all history, upon the Christian idea of civil government—the separation of church and state. And the century and more of liberty and prosperity which has crowned their efforts, and the widespread influence for good which the example of this nation has exerted upon the world at large in leading the way toward freedom from the bondage of religious despotisms and ecclesiastical tyrannies, has demonstrated the wisdom of their course. The "new order of things" to which testimony is borne on the reverse side of the Great Seal of the United States introduced an era of both civil and religious liberty which has been marked by blessings many and great both to the nation and to religion.

We are moved to present this memorial, however, because of the persistent and organized efforts which are being made to secure from Congress such legislation as will commit the National Government to a violation of this great principle, and to the enforcement of a religious institution. Already there have been introduced during the present session of Congress five bills of this nature:

S. 1519. A bill to prevent Sunday banking in post-offices in the handling of money orders and registered letters.

H. R. 4897. A bill to further protect the first day of the week as a day of rest in the District of Columbia.



H. R. 4929. A bill prohibiting labor on buildings, etc., in the District of Columbia on the Sabbath day.

H. R. 13471. A bill prohibiting work in the District of Columbia on the first day of the week, commonly called "Sunday."

S. 3940. A bill requiring certain places of business in the District of Columbia to be closed on Sunday.

While a merely cursory reading of the titles of these bills may not indicate clearly their full significance, we affirm that an examination of their provisions will reveal the fact that they involve the vital principle of the relation of government to religion. Their passage would mark the first step on the part of the National Government in the path of religious legislation—a path which leads inevitably to religious persecution. If Government may by law settle one religious controversy and enforce one religious institution, it may logically settle all religious controversies and enforce all religious institutions, which would be the complete union of church and state and an established religion. We seek to avoid the consequences by denying the principle. We are assured that the only certain way to avoid taking the last step in this dangerous experiment upon our liberties is to refuse to take the first step.

We hold it to be the duty of civil government to protect every citizen in his right to believe or not to believe, to worship or not to worship, so long as in the exercise of this right he does not interfere with the rights of others; but "to pretend to a dominion over the conscience is to usurp the prerogative of God." However desirable it may seem to us who profess the Christian faith to use the power of government to compel at least an outward respect for Christian institutions and practices, yet it is contrary to the very genius of Christianity to enforce its doctrines or to forge shackles of any sort for the mind. The Holy Author of our religion recognized this great principle in these words: "If any man hear my words, and believe not, I judge him not." The triumphs of the Gospel are to be won by spiritual, rather than by temporal, power; and compulsion may be properly employed only to make men civil.

Therefore, in the interest of the nation, whose prosperity we seek; in the interest of pure religion, for whose advancement we labor; in the interest of all classes of citizens whose rights are involved; in the interest of a world-wide liberty of conscience, which will be affected by the example of this nation; in the interest even of those who are urging this legislation, who are thereby forging fetters for themselves as well as for others, we earnestly petition the honorable Senate and House of Representatives in Congress assembled, not to enact any religious legislation of any kind whatsoever, and particularly not to pass the bills to which reference has been made in this memorial. And for these objects your memorialists, as in duty bound, will ever pray.

THE GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS,  
A. G. DANIELS, President.  
W. A. SPICER, Secretary.

Mr. BURROWS presented a petition of the Century Club, of Charlotte, Mich., praying for the establishment of a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Stewart Post, No. 259, of Litchfield; of J. B. Richardson Post, No. 13, of Harbor Springs; of Joseph R. Smith Post, No. 76, of Monroe, and of Woodbury Post, No. 45, of Adrian, all of the Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the passage of the so-called "per diem pension bill," which were referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation placing the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

He also presented a memorial of Local Council No. 43, United Commercial Travelers' Union, of Saginaw, Mich., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 455, of Owosso; of Local Union No. 18, of Detroit, and of Local Union No. 362, of Traverse City, all of the International Typographical Union, in the State of Michigan, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war, of Muir, Lyons, Ionia, Grand Rapids, Detroit, Chelsea, Coldwater, Mound City, Vanderbilt, Gaylord, and Morrice, all in the State of Michigan, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. PERKINS presented petitions of sundry volunteer officers of the civil war, of Lakeport, Upper Lake, Ventura, Venice, and Los Angeles, all in the State of California; of Phoenix, Ariz.; Portland, Oreg.; Lordsburg, N. Mex.; Litchville, N. Dak., and Meyers Falls, Wash., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DICK presented petitions of Local Union No. 200, of Youngstown; of Local Union No. 237, of Sandusky; of Local Union No. 53, of Cleveland, and of Local Union No. 497, of Alliance, all of the International Typographical Union, in the

State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war of Tiffin, Akron, Fremont, Clyde, Tarleton, Circleville, Zanesville, Columbus, Wellsville, Dayton, Marietta, Macksburg, Malta, Toledo, and Oberlin, all in the State of Ohio, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BROWN presented petitions of sundry volunteer officers of the civil war of Omaha, East Omaha, Sidney, Bridgeport, Stella, all in the State of Nebraska, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented an affidavit to accompany the bill (S. 2703) granting an increase of pension to Charles Adams, which was referred to the Committee on Pensions.

Mr. CULBERSON presented petitions of sundry volunteer officers of the civil war of Houston, Anna, Savoy, Denison, Dallas, San Antonio, Beaumont, all in the State of Texas, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BURKETT presented the petition of John Cusack, of North Bend, Nebr., praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Beatrice Council, No. 79, United Commercial Travelers, of Beatrice, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BACON presented a paper to accompany the bill (S. 2626) for the relief of Thomas N. Poullain, which was referred to the Committee on Claims.

Mr. BEVERIDGE presented petitions of sundry volunteer officers of the civil war of Spencer, Bedford, Paoli, Indianapolis, Morocco, Goshen, Rensselaer, Tipton, Logansport, Delphi, Elkhart, Monticello, Seaford, Winchester, and Warsaw, all in the State of Indiana, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. WARNER presented sundry affidavits to accompany the bill (S. 2759) granting a pension to Thomas Seal, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 3284) granting an increase of pension to James A. McCoy, which were referred to the Committee on Pensions.

#### THE UNITED STATES NAVY.

Mr. HALE. Mr. President, I present a letter in the nature of a memorial, which will speak for itself. The signers are very eminent men and well known in New York and elsewhere. I ask that the memorial, in the form of a letter, be read. The names need not be read, but I want them to appear in the RECORD. I ask that the memorial then be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial presented by the Senator from Maine, as requested by him.

The Secretary read the memorial.

Mr. HALE. I ask that the names appear in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HALE. I move that the memorial be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

The memorial is as follows:

FIFTH AVENUE HOTEL, NEW YORK CITY,  
January 25, 1908.

HON. EUGENE HALE,  
Chairman of the Senate Committee on Naval Affairs,  
Washington, D. C.

DEAR SIR: We, whose names are undersigned, members of a ministerial society in the city of New York known as Chi Alpha, voicing, as we believe, the sentiments of many thousands of American citizens, respectfully express to you our earnest hope that the present Congress will call a halt in what seems to us the needless and hazardous enlargement of the United States Navy.

Believing that America should be the leader among the peacemakers of the earth, we can not but look with regret and alarm on the further multiplication of battle ships, not only because of the disastrous influ-

ence which this is likely to have upon the temper and fortunes of our own people, but because it is wellnigh certain to retard that reduction in the armaments of nations for which a sorely burdened world has long been waiting.

Charles E. Jefferson, Pastor of the Broadway Tabernacle.  
James S. Dennis, Member of Board of Foreign Missions.  
George Alexander, President of Board of Foreign Missions.  
Charles Augustus Stoddard, New York Observer.  
Henry Sloane Coffin, Pastor Madison Avenue Presbyterian Church.  
J. Ross Stevenson, Pastor Fifth Avenue Presbyterian Church.  
Abbott E. Kittredge, Pastor Madison Avenue Reformed Church.  
Nath'l W. Conklin.  
Chas. P. Fagnani, Professor Union Theological Seminary.  
Samuel Macauley Jackson, Editor Schaff Herzog Encyclop.  
Duncan J. McMillan, Pastor New York Presbyterian Church.  
John C. Bliss, Pastor Emeritus North Presbyterian Church.  
Wm. Adams Brown, Professor in Union Theological Seminary.  
Geo. S. Webster, Pastor Church of the Covenant.  
A. C. McGiffert, Professor in Union Theological Seminary.  
Julius A. Bewers, Associate Professor Union Theological Seminary.  
Wm. R. Richards, Pastor of Brick Church.  
Jesse F. Forbes, Adams Memorial.  
James H. Hoadley, Thirteenth Street Church.  
Anthony H. Evans, West Church (Presbyterian).  
James M. Farr, Pastor Christ Church (Presbyterian).  
John Lyon Caughey, Pastor Harlem Presbyterian Church.  
Abram Woodruff Halsey, Secretary Board Foreign Missions.

#### PRICE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. TILLMAN. I present a memorial of sundry citizens of the District of Columbia, relative to the price of gas in the District. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States transmitting a letter from the Secretary of State representing the appropriateness of early action by Congress to enable the United States to participate in the exposition to be opened at Quito August 10, 1909, submitted a report, accompanied by a bill (S. 4633) making an appropriation for the participation by the United States in an exposition to be held at Quito, Ecuador, which was read twice by its title.

He also, from the same committee, to whom was referred the message from the President of the United States transmitting a report from the Secretary of State in regard to the representation of the Government of the United States in the First Pan-American Scientific Congress, to be held at Santiago, Chile, the first ten days of December, 1908, submitted a report, accompanied by a bill (S. 4634) making an appropriation for the representation of the United States at the First Pan-American Scientific Congress, which was read twice by its title.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (S. 4377) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels, reported it without amendment.

Mr. McCREARY, from the Committee on Foreign Relations, to whom was referred the bill (S. 390) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 929) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon, reported adversely thereon, and the bill was postponed indefinitely.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate \$4,926.67 to pay the owners of the Norwegian steamship *Nicaragua* for damages, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the Committee on Immigration, to whom was referred the bill (S. 4121) authorizing the Secretary of Commerce and Labor to procure a site and erect buildings for an immigration station at the port of Boston, Mass., reported it without amendment.

He also (for Mr. PENROSE), from the Committee on Immigration, to whom was referred the bill (H. R. 7694) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa., reported it without amendment.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 206) to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of

the Lo Lo Fork of the Bitter Root River, reported it with amendments and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described, reported it without amendment and submitted a report thereon.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 685) to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska, reported it without amendment and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 553) for the relief of certain homestead entrymen, reported it with an amendment and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2873) for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof, reported it without amendment and submitted a report thereon.

#### RESERVOIR ON ROARING FORK RIVER, COLORADO.

Mr. TELLER. On the 20th of this month I presented a joint memorial of the legislature of Colorado, and had it referred to the Committee on Irrigation. That committee believe that the memorial should have been referred to the Secretary of the Interior, as they think it concerns administration rather than legislation. Therefore I ask leave to have it referred to the Secretary of the Interior. I should like to have the notice to the Secretary put into the RECORD, so as to show how it comes to go to him.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the Committee on Irrigation be discharged from the further consideration of the House joint memorial No. 3, passed by the sixteenth general assembly of the State of Colorado, and referred to the committee on January 20, 1908, and that the same be transmitted by the Secretary to the Secretary of the Interior.

#### BILLS REFERRED TO THE COURT OF CLAIMS.

Mr. FULTON. I report a resolution from the Committee on Claims, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the claims of the heirs of Robert M. Ely, deceased (S. 4037); the city of Nashville, Tenn. (S. 4088), and the legal representatives of Anthony S. Abbay (S. 4089), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act," and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. FULTON. Mr. President, I, perhaps, should offer a word of explanation in regard to the resolution.

The committee do not make a practice of reporting resolutions referring bills to the Court of Claims except at the close of a session, when they usually report what we call an "omnibus resolution." These particular bills were referred to the Court of Claims at the last session, but it was found that they were not in proper form to permit the court to take the cases into consideration or to adjudicate them and report findings. Therefore the Senators who had introduced them at the last session of the Senate reintroduced them at the present session and requested that they be rereferred to the Court of Claims. Hence we have deviated from the rule we have usually followed and report them at this time.

The resolution was agreed to.

#### BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4635) to regulate the sale of milk and cream in the District of Columbia, and for other purposes, which was read twice by its title.

Mr. GALLINGER. This is a bill which was sent to me by the Dairyman's Association of the District of Columbia, Maryland, and Virginia. I understand that the Commissioners of the District of Columbia are likewise to submit a bill, regulating this very important product. For the purpose of having the matter in such shape that the committee can readily consider it, I ask unanimous consent that the bill and the accompanying letter from the Dairyman's Association be printed as a document, and referred to the Committee on the District of Columbia. The bill will be printed separately, of course, in the usual form.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. McLAURIN introduced a bill (S. 4636) for the relief of



heirs of Josiah White, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4637) granting a pension to Mary E. Sloan (with the accompanying papers); and

A bill (S. 4638) granting an increase of pension to Helen A. Pulsifer.

Mr. CULLOM introduced a bill (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, which was read twice by its title and referred to the Committee on Foreign Relations.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4640) granting an increase of pension to John J. Foraker; and

A bill (S. 4641) granting an increase of pension to Isabelle F. Lowe.

Mr. DICK introduced a bill (S. 4642) providing for the promotion of warrant officers, providing that all officers of the Navy shall be entitled to the pay of the grade to which promoted from the date on which they take rank therein, and for other purposes, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. GUGGENHEIM introduced a bill (S. 4643) to authorize the President to appoint Brig. Gen. Frank D. Baldwin to the grade of major-general in the United States Army and place him on the retired list, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 4644) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

A bill (S. 4645) to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by the act of Congress approved April 17, 1900.

Mr. WARNER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 4646) to provide for the purchase of a site and the erection of a public building thereon at Trenton, in the State of Missouri;

A bill (S. 4647) to provide for the purchase of a site and the erection of a public building thereon at Chillicothe, in the State of Missouri;

A bill (S. 4648) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri; and

A bill (S. 4649) to provide for the purchase of a site and the erection of a public building thereon at Brookfield, in the State of Missouri.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4650) granting an increase of pension to Louise B. Angle;

A bill (S. 4651) granting an increase of pension to Agnes Hanson;

A bill (S. 4652) granting an increase of pension to Isaac N. Van Pelt;

A bill (S. 4653) granting an increase of pension to Henry J. Dorman;

A bill (S. 4654) granting an increase of pension to Thomas M. Skaggs;

A bill (S. 4655) granting a pension to Jacob Scott;

A bill (S. 4656) granting an increase of pension to Eli Fish;

A bill (S. 4657) granting an increase of pension to Peter A. Teachout;

A bill (S. 4658) granting an increase of pension to William P. Brown;

A bill (S. 4659) granting an increase of pension to Josiah Tilton;

A bill (S. 4660) granting an increase of pension to Richard H. L. Crumbaugh;

A bill (S. 4661) granting an increase of pension to John A. Wier;

A bill (S. 4662) granting an increase of pension to Richard E. Lewis;

A bill (S. 4663) granting an increase of pension to Lucien W. Dunnington;

A bill (S. 4664) granting an increase of pension to Amanda J. Frybarger;

A bill (S. 4665) granting a pension to George Patterson;

A bill (S. 4666) granting an increase of pension to Philip C. Cooter;

A bill (S. 4667) granting an increase of pension to James W. Coker;

A bill (S. 4668) granting an increase of pension to Jacob Yoachum;

A bill (S. 4669) granting an increase of pension to Pete T. Murphy;

A bill (S. 4670) granting an increase of pension to Archibald T. Stewart;

A bill (S. 4671) granting an increase of pension to N. B. Petts;

A bill (S. 4672) granting a pension to Robert D. Walkinshaw;

A bill (S. 4673) granting an increase of pension to William H. Isenberg;

A bill (S. 4674) granting an increase of pension to Perry Harter;

A bill (S. 4675) granting an increase of pension to Nathaniel E. Murphy;

A bill (S. 4676) granting an increase of pension to Archibald Goodwin;

A bill (S. 4677) granting an increase of pension to William A. Graham;

A bill (S. 4678) granting an increase of pension to David H. Norris;

A bill (S. 4679) granting an increase of pension to Anthony Coleman;

A bill (S. 4680) granting an increase of pension to Theodore M. Burge;

A bill (S. 4681) granting an increase of pension to Christine Lusk;

A bill (S. 4682) granting an increase of pension to Sophrona Watts; and

A bill (S. 4683) to extend the provisions of the pension act of June 27, 1890, to all State militia and other organizations that were organized for the defense of the Union and cooperated with the military or naval forces of the United States in suppressing the war of the rebellion.

Mr. BULKELEY introduced a bill (S. 4684) granting an increase of pension to Edwin W. French, which was read twice by its title and referred to the Committee on Pensions.

Mr. du PONT (by request) introduced a bill (S. 4685) to grant additional grade to retired officers of the Army, veterans of the civil war, below the grade of brigadier-general, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FLINT introduced a bill (S. 4686) to make an appropriation for the construction of a roadway across the United States military and naval reservations on Point Loma, in California, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4687) to relieve William G. Gosslin and his assigns of and from the effect of a release made by him and his wife, Marthana Gosslin, of certain land in California, which was read twice by its title and referred to the Committee on Public Lands.

Mr. CULBERSON (by request) introduced a bill (S. 4688) for the relief of Eliza Snell Breckville, which was read twice by its title and referred to the Committee on Claims.

Mr. STONE introduced a bill (S. 4689) for the relief of Isaac Stover, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4691) to provide for the purchase of a site and the erection of a public building thereon at Marshall, in the State of Missouri, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4692) providing for the erection of a public building at Poplar Bluff, Mo., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. McCREARY introduced a bill (S. 4693) to carry into effect the findings of the Court of Claims in the matter of the claim of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS introduced a bill (S. 4694) granting an increase

of pension to Caroline O. Peak, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4695) for the relief of Shadrack Lechresh;  
A bill (S. 4696) granting an increase of pension to Almon Sparling; and

A bill (S. 4697) granting an increase of pension to Catherine Greelish (with accompanying paper).

Mr. CARTER introduced a bill (S. 4698) to establish engineering experiment stations at land-grant colleges, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. RAYNER introduced a bill (S. 4699) for the relief of the representatives of James Hooper, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4700) to classify certain grades in numbered post-office stations, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE introduced a bill (S. 4701) authorizing the Secretary of the Interior to sell and convey the unappropriated nonmineral desert lands of the United States, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 4702) for the relief of Willard W. Howe, of Aurora, Ind., which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a joint resolution (S. R. 45) proposing an amendment to the Constitution of the United States providing for the levy and collection of an income tax, which was read twice by its title and referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein) That Congress shall have the power to levy and collect taxes, graduated or otherwise, on any or all classes of income.*

Mr. HOPKINS introduced a joint resolution (S. R. 46) to amend the Constitution of the United States prohibiting polygamy and polygamous cohabitation, which was read twice by its title and referred to the Committee on the Judiciary.

#### INJUNCTIONS IN LABOR DISPUTES.

Mr. BEVERIDGE. On the 27th I introduced a bill (S. 4533) concerning injunctions in labor disputes. I have made a slight change in the phraseology of the bill, and I ask that it be printed in the Record as modified and that a reprint of the bill be made.

The VICE-PRESIDENT. Without objection, it is so ordered. The bill as modified is as follows:

A bill (S. 4533) concerning injunctions in labor disputes.

*Be it enacted, etc., That no temporary injunction or temporary restraining order shall be issued without notice by any court of the United States in controversies between employers and employees, and all such temporary injunctions and temporary restraining orders shall be heard by the court issuing the same within a reasonable time, not to exceed seven days from the date when said temporary injunction or temporary restraining order is issued: *Provided*, That said court, upon agreement of parties or at the application of the defendant, may postpone said hearing to a later date than said seven days, in the discretion of the court: *Provided further*, That nothing herein contained shall be held to authorize the issuing of a restraining order or an injunction in any case in which the same is not authorized by existing law.*

#### AMENDMENT TO URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment providing for the transportation by sea of material and equipment for use in the construction of the Panama Canal, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### FINANCIAL STATISTICS.

Mr. CULBERSON. Mr. President, I notice that the Chair submitted to the Senate during the morning hour the response of the Secretary of the Treasury to Senate resolution No. 33 of December 12, 1907. On the desks of Senators I find also a printed pamphlet dated January 29, 1908, which purports to be either the response referred to or a portion of it. I desire to ask the Chair if there is any other portion of the response of the Secretary of the Treasury submitted this morning which is not contained in this printed pamphlet?

The VICE-PRESIDENT. The Chair has not examined the pamphlet to which the Senator refers nor has he examined in detail the report submitted by the Secretary of the Treasury.

Mr. CULBERSON. My experience, Mr. President, in this Chamber is not by any means as extensive as that of many others here, but I do not recall since I have been in the Senate, and after conversation with others longer in the service they do not recall, an instance in which the head of a Department

of the Government has answered a Senate resolution in printed form, distributed among Senators in the fashion in which this has been to-day.

I have not had time to examine it, but it occurs to me that there is some portion of the response of the Secretary which is not included in this printed pamphlet. For instance, on page 1 it says, "The information furnished embraces." Then follow eighteen paragraphs consisting of references to various matters, letters, list of national-bank bidders, etc., which do not appear in this paper.

I wanted to invite attention to it and to ask if the full response contains the enumerations which are referred to in the printed pamphlet we have on our desks this morning.

The VICE-PRESIDENT. The Chair would state that the communication from the Secretary of the Treasury was in two packages, and the Senate ordered the report printed.

Mr. CULBERSON. But the point I was suggesting is that the Secretary of the Treasury apparently had anticipated the action of the Senate in ordering this paper printed and had it printed himself, taking upon himself the responsibility which has heretofore, according to the precedents, devolved upon the Senate itself.

The VICE-PRESIDENT. The Chair will state for the further information of the Senator from Texas that he is advised the report of the Secretary of the Treasury, submitted by the Chair to the Senate, is on its way to the Public Printer, by the order of the Senate.

Mr. TILLMAN. I notice the Senator from Massachusetts [Mr. LODGE] on his feet. He is a great stickler for Senatorial dignity and the maintenance of our rights. I ask him, for information, Has it ever occurred before that a Cabinet officer has transmitted a reply to a Senate resolution in print?

Mr. LODGE. Mr. President, I had no intention, as I was about to leave the Chamber, of saying anything on this question. But since the Senator from South Carolina asks me I will state that I do not know whether a Cabinet officer ever sent in a letter of transmittal as a matter of convenience printed, and I do not think it is the slightest matter whether he ever did.

Mr. TILLMAN. Of course the Senator would say that. I took it for granted he would say that.

Mr. LODGE. It is a great convenience to the Senate to have the letter of transmittal in this form. The letter and all the papers will be printed to-morrow in one volume, by the order of the Senate. In the meantime this print is sent here for the convenience of Senators. I can not conceive of anything more reasonable or more proper.

Mr. TILLMAN. The question is as to the legality.

Mr. LODGE. Of course it is legal. He can communicate in print, in typewriting, or in handwriting.

Mr. TILLMAN. Does the Government pay for it before the Senate orders it?

Mr. LODGE. Of course, all the Departments have a right to have printing done, and they have offices for that purpose.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. I will state that all the reports of heads of Departments, made in accordance with law, are made in print to this body. Invariably that is the case.

Mr. TILLMAN. This is made in answer to a Senate resolution.

Mr. ALDRICH. Still it is in the nature of a report. It is in answer to a Senate resolution, and it is made in print for the convenience of Senators.

Mr. TILLMAN. It may be a small matter, Mr. President, but I am just old foggy enough to recall that it never has occurred before, and it appears to me that it is somewhat along the line of assuming the airs of a President before this gentleman is elected there. The President has sent his message here printed beforehand for our convenience, so that we can read it along with the reading at the desk, but I have never known a Cabinet officer to assume to do it.

Mr. CULBERSON. The Chair will recall that I rose for the purpose of inquiring if this printed pamphlet contained all the response of the Secretary of the Treasury. Incidentally I mentioned that in my experience, and in that of other Senators with whom I had conferred, it had not been customary for Cabinet officers to communicate to the Senate in this form. But my inquiry has not yet been answered. It is, Does this pamphlet include all the answer of the Secretary of the Treasury, and if it does not, why does it not include it, since he saw proper to print any portion of it?

Mr. LODGE rose.



The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. LODGE. I do not desire to interrupt the Senator. I thought he had finished.

Mr. CULBERSON. That is my inquiry, and the Chair does not seem to be able to answer it.

The VICE-PRESIDENT. The Chair will state again that the Chair has not examined the report which the Senator from Texas has in his hand, nor did he examine the report of the Secretary of the Treasury which he submitted to the Senate and which the Senate ordered printed, and which report is now on its way to the Government Printing Office; nor does the Chair understand that it is his province to make a comparison between the report laid before the Senate by him and the pamphlet in the hands of the Senator from Texas.

Mr. CULBERSON. I beg the pardon of the Chair. I assumed that the Chair knew more about the answer of the Secretary, under the circumstances, than he did.

Mr. ALDRICH. I can answer the Senator's question, if he desires to have it answered.

Mr. CULBERSON. I do.

Mr. ALDRICH. The response of the Secretary of the Treasury shows on its face that there are 18 voluminous statistical reports and tables which accompany this report, and they have gone to the Public Printing Office to be printed. I think it will take about twenty-four hours to get them into type. They were in manuscript.

Mr. TILLMAN. Why was this pamphlet printed at all, then?

Mr. ALDRICH. These are to be printed at the Government Printing Office. This pamphlet was printed undoubtedly for the convenience of the Secretary in the first instance, and probably for the convenience of the Senate in the second instance. There is a printing office in the Treasury Department where they do this printing. The Senator from South Carolina has been extremely anxious to have this information.

Mr. TILLMAN. I have, and I have waited for it since the 12th of December and the last of January has come. I have been waiting for it a long time, and when it does come, instead of printing it all the Secretary prints a part of it and sends the balance in manuscript.

Mr. ALDRICH. From the fact that it comes here in printed form the Senator will be able to examine it now. It will no doubt be twenty-four hours before it comes from the Government Printing Office. I think it is a matter of convenience.

Mr. TILLMAN. I am much more concerned about the facts than I am about the Secretary's defense of his action. I do not care three straws for his vindication, or attempted vindication, for transgressing the law and doing what he knows he had no right to do. I want the facts.

Mr. CULBERSON. Mr. President, just a moment. The Senator from Rhode Island suggests that the full document has been sent to the Government Printing Office to be printed. The document which we have before us was printed at the Government Printing Office. So that specious argument is of no consequence.

Nor is there anything in this pamphlet to which I have been able to refer in the limited time since my attention was called to it showing that there is any other portion of the report yet to be seen by the Senate. The Senator from Rhode Island says there is, and we accept that, but the fact remains that the Secretary of the Treasury has printed beforehand his argument and left to be printed afterwards the statement of facts which accompanies it.

Mr. CARTER. Mr. President, the situation presented this morning is somewhat extraordinary, it seems to me. For several weeks we have heard constant importunity and exhortation addressed to the Senator from Rhode Island and demand made in more or less emphatic form of all persons assumed to be responsible for an immediate answer from the Secretary of the Treasury to the resolution presented by the Senator from Texas.

Manifestly, Senators desired information at the earliest possible date. As stated repeatedly by the Senator from Rhode Island, the collation of the facts required much time. The statistical tables are voluminous. It required the investigation of national-bank deposits in every State and Territory in the Union; it required that the facts should be tabulated and put in convenient form for the information of Senators in quest of the information.

Now, after all this information has been put in form for the printer, it is objected that the Secretary of the Treasury has been superserviceable in giving his reasons for the action complained of, referring merely to the exhibits which are now in the hands of the Government Printer and which will no doubt in the course of a few days be printed.

Had the Secretary of the Treasury delayed the additional days necessary to print the schedules or exhibits attached to this report, he would, as usual, have been criticised this morning most severely for the long-continued and inexplicable delay. He comes forward with his reasons succinctly and satisfactorily stated, no doubt, and yet the Senator from South Carolina has condemned the Secretary of the Treasury before reading his answer to the Senate resolution.

Mr. President, this zeal of the Secretary of the Treasury, this explicit manner of placing his reply before the entire Senate at the earliest possible day, is now made the subject of criticism. How in the world could the Secretary of the Treasury please the Senator from Texas or the Senator from South Carolina if his zeal in presenting the report is in itself as offensive as was his action in taking reasonable time to prepare it?

Mr. BEVERIDGE. I call the attention of the Senator from Montana to the fact that the single criticism of the Senator from South Carolina was finally as to the airs which the Secretary of the Treasury had assumed.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. Oh, certainly; with much pleasure.

Mr. TILLMAN. The Senator desires to know what would satisfy the Senator from South Carolina. I will tell him very frankly. It is that the Secretary of the Treasury shall comply with the Senate resolution in the orderly manner of all his predecessors, and that when asked for information he shall send it here like any other man under our authority, and let us print it if we see fit. The Senator from Montana can not point to a solitary instance in the history of this Government when this has been done before.

Mr. CARTER. I recall very distinctly that many years ago a motion was made to dismiss an appeal in the supreme court of Montana upon the ground that the notice of appeal was not in writing, being typewritten instead of being written by hand. I found that that question had been raised once in New York. It is now raised in the Senate. The fact that the report is printed seems to be objectionable.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. Certainly.

Mr. TILLMAN. Will the Senator from Montana contend that this is a full report? Is it only a part of it and the argument, without regard to the facts? Why not send it all in manuscript or typewriting, or send it all in print?

Mr. CARTER. This is a full and complete report, referring to certain voluminous exhibits, which exhibits are now in the hands of the Printer, and they will be in the possession of the Senate in due course of time.

In further reply to the Senator from South Carolina, permit me to suggest that never in the history of the Senate, under my observation, has there been such insistence upon the immediate presentation of a report as in this case.

Mr. TILLMAN. And never in the history of the Senate has there been such an unaccountable delay in giving us the information we had a right to call for. And the Senator from Montana, knowing that the Secretary of the Treasury has been off to New York making speeches, and then takes two weeks after his speech to come forward with this labored defense, gets up and undertakes to vindicate or justify an act which has never occurred before in the history of the Government.

Mr. CARTER. Manifestly the Senator from South Carolina has not read the report.

Mr. TILLMAN. No; I have not had time to read it.

Mr. CARTER. Most assuredly. It may not be a labored report. It may be a very fluently prepared and a very satisfactory report, skillfully worded in a free off-hand style, and it may be entirely satisfactory, perchance, to the Senator from South Carolina, who is fair-minded and just. Notwithstanding, he has announced his hostile view, it may be that before the sun goes down to-day he will agree that the Secretary of the Treasury has fully explained this matter to his entire satisfaction.

Mr. TILLMAN. If the Senator from Montana will divorce himself from partisanship and the active defense of his friend, the Secretary of the Treasury, he will be compelled to acknowledge that the Secretary of the Treasury, no matter what he may have given us in the way of defense, has transgressed the law in the issue of those bonds. I ask him now, Does he vindicate and pretend to justify the issue of the Panama bonds and the 3 per cent certificates of indebtedness?

Mr. CARTER. Having called upon the officer who is primarily responsible for the issuance of the bonds for informa-

tion, I withhold my judgment until all the facts and circumstances and conditions shall have been fully considered.

Now, Mr. President, I object to the word "partisanship" in this connection. Every Presidential candidate in this country will bear me witness that I have not been in any case a partisan. The Senator from South Carolina has ventured to say that this pamphlet indicated that the Secretary of the Treasury was assuming Presidential airs somewhat prematurely, and therefore suggestion of partisanship would indicate that I am flying to the rescue of a Presidential candidate, when I am sure, on consultation with the Secretary of the Treasury and all other candidates, he will find I stand entirely acquitted of any such charge.

This is a case, Mr. President, that does not require much consideration. Senators are objecting to a matter of form and not of substance in making the criticism. This reply, printed and accessible at the earliest moment the Secretary of the Treasury could present it here, is objectionable because it has covers upon it and is printed in pamphlet form. It does look somewhat like the Presidential messages as they are finally sent forth to the public. But, Mr. President, there is no transgression of the rules of the Senate, because the report came here in an orderly manner, just as other reports come. The Secretary of the Treasury doubtless consulted the CONGRESSIONAL RECORD from day to day and was advised of the extreme and intense desire of the Senator from Texas and the Senator from South Carolina to get at the facts at the earliest moment, and therefore he had printed in the Government office in the Treasury Department the report which we have before us.

Mr. TILLMAN. Are there any facts in this pamphlet?

Mr. CARTER. I have no doubt the report—

Mr. TILLMAN. Are there any facts here called for by the Senate?

Mr. CARTER. The report is surcharged with facts. It is full of facts.

Mr. TILLMAN. It is full of assertions, perhaps.

Mr. CARTER. And of facts.

Mr. LODGE. Mr. President, I thought the Chair made a very complete explanation of the situation on the inquiry which was made by the Senator from Texas [Mr. CULBERSON] that the reply came in the usual way accompanying certain elaborate exhibits. This letter of transmittal, in pamphlet form, summarizing what is in those exhibits, is nothing but what is done by every head of a Department whenever he makes an annual report, as the Senator from Rhode Island [Mr. ALDRICH] has already pointed out. Every year the Secretary of War, for example, sends in his annual report in pamphlet form, which is often distributed here some days beforehand, and then come in the detailed reports and exhibits, which fill volumes and require some time to print.

Moreover, the Senator from South Carolina [Mr. TILLMAN], in his zeal for the law and the Constitution, forgets that the Secretary of the Treasury is the one head of a Department who is authorized by law to make communications to Congress on his own motion and in his own way. I am not aware that the law prevents his putting that communication, when he sends it in, in writing and also in pamphlet form for the convenience of Members of both Houses. It is a perfectly natural thing to do. I have not the slightest question we could find endless precedents in addition to those which occur every year when the heads of Departments send in letters of transmittal, and I confess I am surprised, Mr. President, at the annoyance of the Senator from South Carolina. I know no one who is so constantly pleading for light. He is always wanting light, and he has been particularly anxious to have light on this dark place—

Mr. TILLMAN. Mr. President—

Mr. LODGE. One moment. But when we begin to "cheer the clouded mind with light divine" he immediately resists. He objects to have light shed unless it is all shed at once and in his own particular way; and because it begins with a partial illumination, he feels that the Constitution and the laws and the privileges of the Senate are in danger.

Mr. TILLMAN. Now, Mr. President—

Mr. LODGE. I think, Mr. President, that it is a great advantage to have the reply of the Secretary of the Treasury in this convenient form, summarizing the exhibits which will be in our hands to-morrow.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I yield the floor.

Mr. TILLMAN. Will the Senator from Massachusetts assert that there is any light between the sheets of this pamphlet?

Mr. LODGE. Mr. President—

Mr. TILLMAN. Light, light, light! Do not go off on something else. [Laughter.]

Mr. LODGE. Yes, Mr. President; I think there is an abundance of light in it, but whether the Senator from South Carolina will be able to see it I do not know. [Laughter.]

Mr. TILLMAN. And, undoubtedly, if the brilliant mind of the Senator from Massachusetts can not see it before I do, nobody will ever see it. [Laughter.]

Mr. CULBERSON. Mr. President, as I appear to have provoked the running debate on this subject, I desire to recall to the Senate that my inquiry originally was whether the pamphlet laid on our desks constitutes the entire response of the Secretary of the Treasury to the resolution of the Senate. It appears, from a further examination of it which I have made, that it does not. The Secretary says:

I have the honor to transmit, in accordance with the direction of the President, the detailed statements which accompany this communication.

Then he recites the resolution of the Senate, after which he adds:

The information furnished embraces—

A number of documents, aggregating eighteen, on matters which the answer of the Secretary of the Treasury covers, are then referred to. I call the attention of the Senator from Massachusetts [Mr. LODGE], who seems to have reaped some enjoyment from this, and others who claim that this is a full answer, to the fact that the Secretary says on page 2:

While the resolution calls for a statement as to the daily balance in each bank, it is presumed the information covering these dates—

That is the several dates previously named—

will fully answer the scope of the inquiry, as they are the dates upon which the depositaries reported their balances to the Treasury Department.

Showing, Mr. President, that the Secretary of the Treasury in the particular pointed out—and it is the only one to which my attention has yet been called—showing that the Secretary of the Treasury admits at the outset that he has not answered the specific inquiry made by the Senate upon the matters to which I have called attention.

On page 3, after saying what his report will contain, the Secretary of the Treasury in this pamphlet proceeds with an argument. I have no objection to the argument, because if any man can justify the conduct of the Treasury Department in the particulars inquired into I desire it to be done. I have such respect, Mr. President, for the officers of the United States that I hope they will never violate the law. After stating what his report will contain as to the facts called for in the resolution of the Senate, the Secretary says:

In view of the importance of the subject and the wide discussion which has occurred in regard to certain matters mentioned in the resolution, it seems to me proper to summarize as briefly as possible the operations of the Treasury for the past few months, and to follow this by a statement more in detail of the methods and reasons for some of the steps taken.

Then follows his argument. It appears, therefore, that the Secretary of the Treasury presents to the Senate in manuscript his answer on the facts as called for by the resolution, and presents to the Senate and the country his argument in print prior to the time the Senate orders his entire response to be printed.

So far as I am concerned, I make no point as to whether the Secretary of the Treasury shall answer a resolution in print or in writing, though if it were submitted to me I would follow the precedents of the Senate; but I do object to him presenting his answer in piecemeal to the Senate and giving out to the country a portion of his answer before the Senate orders the full answer to be printed. In other words, he says substantially, I will answer the facts in writing; I will present my argument in print and submit it to the Senate and the country before the Senate sees proper or can print my entire report.

That is the criticism, Mr. President, I make upon the matter, because, as I have said, I care not especially whether the answer itself be in writing or in print.

Mr. ALDRICH. Mr. President, I had supposed that the Senator from Texas [Mr. CULBERSON] and the Senator from South Carolina [Mr. TILLMAN] were seriously engaged in making a serious inquiry into a serious business. I think the impression that their remarks this morning must make upon the Senate and the country will be that, for some reason or other, they have been taking part in a comedy.

Mr. CARTER. Mr. President, I am quite sure that the fair-minded Senator from Texas [Mr. CULBERSON] does not desire an impression entirely erroneous to go forth as a result of his observations just made. The inference to be drawn from what the Senator has said—and fairly drawn, I think—is that the



Secretary of the Treasury set forth the facts with reference to this matter in response to a resolution in one paper, which was filed with the Senate and is hereafter to be placed in print, and that a specious argument in defense of his action, which has been the subject of the Senator's complaint, is printed in an entirely separate document for the purpose of having this document circulated in advance of the statement of the facts.

Now, let it be distinctly understood that that inference is not warranted by the facts, nor do I assume that the Senator from Texas intended it should be drawn from his statement. The printed report is the report filed with the President of the Senate, by him handed to the Secretary of the Senate, and laid before the Senate. It is a report to the Senate addressed to the President of the Senate, and is the entire report of the Secretary of the Treasury on this subject, save and except to the extent that it is elaborated and supplemented by a certain line of exhibits referred to from time to time and from page to page in the course of this printed document.

There has been no sharp practice in this. The Secretary of the Treasury is not sending a confidential communication to the Senate. The country is entitled to the information, and it was intended undoubtedly that the information should go to the country. The moment this report is presented here the newspapers of the country are entitled, as a matter of right, to send it forth as public news, public information to the waiting people. The fact that the Secretary of the Treasury put the whole statement in convenient form, leaving only the exhibits to be hereafter printed, seems to be the entire basis of all the criticism offered this morning.

WILLIAM R. LITTLE.

The VICE-PRESIDENT laid before the Senate the message from the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

Mr. BURKETT. I move that the message and accompanying bill lie on the table.

The motion was agreed to.

#### TEA FOR MEDICINAL PURPOSES.

The VICE-PRESIDENT. If there be no further morning business, that order is closed, and the Calendar, under Rule VIII, is in order. The first bill on the Calendar will be stated.

The bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. LODGE. Mr. President, I have not yet received the letter from the Agricultural Department which I stated the other day I had expected, but I do not propose to delay the bill further. I have read with care the statement the Senator from Missouri [Mr. STONE] prepared, and I am not going to make any objection to the bill.

Mr. STONE. I will say to the Senator from Massachusetts that I have here a letter which was received from the Secretary of Agriculture in response to a former call of the Committee on Commerce made on him in the last Congress, in which the Secretary makes no objection to the passage of the bill.

Mr. LODGE. I suggest to the Senator to have that letter printed in the RECORD. As I have stated, I make no further objection to the bill.

Mr. STONE. Mr. President, I ask leave to have printed in the RECORD in this connection the letter of the Secretary of Agriculture to which I have referred.

The VICE-PRESIDENT. Without objection, permission is granted to insert in the RECORD the letter mentioned, without reading.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., February 16, 1905.

DEAR SIR: By your reference of February 2, S. 5600, to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," was brought to the attention of this Department. A letter to Senator STONE from the Monsanto Chemical Works, of St. Louis, Mo., a concern which proposes to manufacture caffeine from tea waste, sweepings, etc., was also referred.

I approve of the measure, provided the safeguards against the consumption of the articles imported are sufficiently explicit to secure for manufacturing purposes the whole of the imports admitted under the provisions of the proposed act.

Very truly yours,

JAMES WILSON, Secretary.

MR. WOODBURY PULSFER,  
Clerk to the Committee on Commerce, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

The following letter was subsequently presented by Mr. LODGE and ordered to be printed in the RECORD at this point:

JANUARY 29, 1908.

Hon. H. C. LODGE, United States Senate.

DEAR SENATOR: I have examined very carefully the bill which you transmitted with your note yesterday and beg leave to make the following suggestions:

So far as I can see, this bill provides only for the importation of inferior tea, or tea fragments, for the purpose of manufacturing caffeine under supervision. It has been the practice for some time to permit the importation of such tea for the above purpose when properly denatured. One of the denaturants used is asafetida. The bill would permit the inferior tea and tea fragments to be imported without denaturing, and manufactured under conditions which apparently safeguard the interests of the consumer. It is often difficult to denature inferior food products in such a way that they can not be used for food in order that they may be used for technical purposes, yet it is not impossible, as is shown by the denaturing of alcohol. The principle, it appears to me, is a sound one if it can be applied in such a way that these inferior products are not offered for consumption as foods or drugs in the unmanufactured state. There are other drugs which come in the same class, as, for instance, inferior grades of opium to be used for making morphine and codeine; inferior grades of nuxvomica, for making strychnine and brucine; inferior grades of cocoa leaves, for the manufacture of cocaine; inferior, worm-eaten, and shriveled nutmegs, for manufacturing nutmeg oil, etc.

I imagine from the character of the bill that it is not desirable to extend the present bill further than inferior tea and tea sweepings. I am simply calling attention to these other matters, because it seems to me it would be wise to provide at some appropriate time for the importation of materials ordinarily used as food products, for technical purposes, either by requiring their denaturing or under bond, in such way that the rights of the consumer would be preserved. I think the present bill is a step in the right direction.

Sincerely,

H. W. WILEY, Chief.

#### BENTON WATER COMPANY.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as next in order on the Calendar.

The VICE-PRESIDENT. The senior Senator from Idaho [Mr. HEYBURN] made a suggestion to the Secretary that he desired to be present when this bill was considered.

Mr. FULTON. Mr. President, under those circumstances I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Oregon.

#### MARY C. MAYERS.

The consideration of bill (S. 2227) for the relief of Mary C. Mayers was resumed as in Committee of the Whole.

The VICE-PRESIDENT. The bill has been heretofore read at length.

Mr. GALLINGER. Mr. President, in reference to that bill, to which I objected on yesterday, I desire to say that it belongs to a class of bills that I think ought to be very carefully considered before they receive the approval of either House of Congress. I am not going to object to it to-day, because I have been appealed to not to do so, but I want to put in the RECORD a brief statement.

A good many years ago, when I chanced to be a Member of the other House of Congress, I introduced a bill on behalf of some citizens of the State of New Hampshire who were fired upon by soldiers, ignorant or vicious, from Fort Constitution, in Portsmouth Harbor. The firing resulted, as I remember now, in the death of one of the persons, a woman, and the maiming of one or more other citizens of the State. It was thought by the family and their friends that the Government was responsible for the injury done to those people. That bill, as I remember it, passed the other House and came to this body, when the former Senator from Wisconsin, Mr. Spooner, made a very careful investigation of the matter and, I think, made a written report. At any rate, the bill did not receive the sanction of the Senate. The then Senator from Wisconsin frequently alluded to it in debates on bills similar to this, saying that was a bill that had great merit, but he did not think the Government ought to enter upon the payment of money to citizens who chanced to lose their lives in the service of the Government.

Mr. President, that bill has passed out of sight and it never will be revived. When it was disposed of in that way I hoped it had established a precedent that would be followed by Congress; but since then, as I remember, a good many similar bills have passed the Senate and some of them doubtless have been enacted into law.

Two days ago, Mr. President, I received the following letter from a citizen of the District of Columbia:

JANUARY 27, 1908.

HON. J. H. GALLINGER,

United States Senate, Washington, D. C.

DEAR SIR: I most earnestly appeal for your kind consideration for a just compensation from the Government for the loss of my husband,

John A. Dugan. He was employed from 1878 to 1896 as a chemist's assistant in the Department of Agriculture. During the early summer of 1896 he was engaged in the line of duty testing soils. It was necessary to do this work under glass and in a place exposed to the direct rays of the sun. The severe heat affected his brain so that we were obliged to send him to Mount Hope Asylum, outside Baltimore, Md. He did not improve, so we sent him to St. Elizabeth's Asylum, District of Columbia, where he remained for a year, his condition unchanged, and died in December, 1897. I had five children to provide for and found it difficult to get along. I lost my home in my effort to meet expenses.

Very respectfully,

MARY A. DUGAN.

Another good woman, under the same date, writes concerning this claim, and she addressed me as a "friend of the District." I am glad to know that there are some people in the District who think that I am a friend to the people of a community that is disfranchised, and, as some people say, dependent upon Congress. She says:

JANUARY 27, 1908.

HON. J. H. GALLINGER,  
United States Senator, and friend of the District.

HONORABLE AND DEAR SIR: I most earnestly appeal to your powerful influence and kind consideration in behalf of this worthy widow, Mary A. Dugan. She has no influence to push this claim. All she asks is a just consideration for the loss she has met with and a compensation such as a soldier's widow would be entitled to or your fair mind would suggest.

Very respectfully,

MRS. A. H. DOUGHERTY,  
1013 East Capitol Street, City.

Mr. BURKETT. Mr. President, may I inquire if the Senator is reading those letters with reference to Senate bill 2227, for the relief of Mary C. Mayers?

Mr. GALLINGER. I am.

Mr. BURKETT. As I read the report on the Mayers bill, Mayers was killed by the fall of a whaleboat belonging to the U. S. S. *Charleston*, in Victoria Harbor, Hongkong.

Mr. GALLINGER. He was.

Mr. BURKETT. I do not understand how the letters the Senator has read have reference to this case.

Mr. GALLINGER. I have been reading these letters simply to show that this is a somewhat similar case, where a man lost his life in the service of the Government—so it is alleged—by undue exposure, and for the purpose of showing that, if these claims continue to be passed by Congress, we shall have a deluge of them before long, and that every man who has been employed by the Government who has sustained an injury or loses his life, whether it possibly be by his own fault or not, will be here demanding that the Government should remunerate him or his widow for the damage that may have been done to him.

Mr. President, I do not think I shall introduce a bill in behalf of this worthy woman who has written me, because I do not think the case could be made out conclusively, inasmuch as it is alleged that this man was injured by undue exposure to the heat of the sun in a place where, very likely, he ought not to have been asked to work; but I do want to sound the alarm, at least, when I say that the passage of this bill—and I recall the fact that we have passed certain other similar bills in prior Congresses—if it becomes a law, will open a channel that will be clogged with similar claims made against the Government for injury, for loss of life, and possibly the loss of property on the part of citizens of the country who may be engaged in the service of the Government.

I have said, Mr. President, to a Senator who is greatly interested in this bill that I will not renew my objection to it today; but I wanted to put the brief statement I have made in the RECORD. With that I will submit the matter to the Senate.

Mr. FULTON. Mr. President, so far as the Committee on Claims is concerned, which is charged with the consideration of such bills as this, it would be very glad if Congress would establish the precedent, if that is the disposition of Congress, that no claim for personal injury shall be allowed. But, Mr. President, these bills are constantly being introduced and referred to the Committee on Claims, and constantly being passed by both Houses. Perhaps I should not use the word "constantly," but "frequently."

Since I have been chairman of the Committee on Claims I do not think to exceed two or three bills for personal injuries have been reported by that committee. I will ask the Senator from Utah if I am correct in that?

Mr. SMOOT. Only four such bills, I think.

Mr. FULTON. The Senator from Utah says "four;" I am quite sure not beyond that. We have exercised extreme care in inquiring into the facts and circumstances of every case. We require more than an ordinarily clear showing to be made in cases of that character, for we are well aware that it is easier to establish a claim by ex-parte testimony than it would be were the witnesses before a court and subject to cross-examination. But, Mr. President, so long as Congress continues to recognize any of these claims, just so long will bills to pay them be introduced and referred to the committee, and just

so long will the committee be compelled to report such of them as seem to the committee to be perfectly clear in the establishment of the claim.

This bill, for instance, is one as to which the facts are with remarkable clearness established and where they clearly show that the Government is liable, if it ever is to be held liable, for negligence. It is a case where the injury occurred on board of a little launch that was lying alongside of the cruiser *Charleston* at the gangway. Through the negligence of one of the crew of the *Charleston* the ship's boat above was loosened, fell down upon the party who was in this launch, and killed him. The Government recognized its responsibility in the case of the Chinamen who were on board by paying them. The Government also appointed a board to survey the launch and ascertain the damages it had sustained. The survey reported some \$500 damage, which was paid by the Government, thus recognizing its liability and responsibility for the injury.

Under those circumstances, it clearly appearing that the accident was entirely due to the negligence of the crew, it seemed to us that if we should ever report any bill for personal injury, this was one that should be reported.

Now, I would be very glad if we could in some way secure a test vote on the proposition whether it is to be the policy of Congress to allow any claim for personal injuries. If the Senate shall say that such is not to be the policy, very well; the committee will know what to do with the bills. But until the Senate shall specifically state or by its action indicate that it will not allow these bills the committee has but one thing to do, and that is to inquire into them carefully and report them, if they seem to be meritorious.

The Senator from New Hampshire need not fear that there is going to be a flood of these bills. There may be a flood of them up to the committee, but they will find that there is a dam there which will restrain the flood from that point.

Mr. LODGE. Mr. President, I think this class of bills ought not to receive the favorable consideration of the Senate, because it would open the door to an endless demand upon the Government and to a great many cases which probably are not deserving. But the Senator from Oregon [Mr. FULTON] made one point in regard to this particular case which seemed to me conclusive, although I was about to object and ask to have the bill sent over under Rule IX.

Mr. Mayers was not in the employ of the Government. He went on board the ship to collect payment for a bill, and he was killed, owing to the negligence of sailors of the United States. That is admitted by the court of inquiry. The Government paid the three Chinamen who were injured at that time, and it paid for the launch in which Mr. Mayers was, because the injury was done by the fall of the ship's boat from the davits into the launch below. Therefore it paid everybody who was injured, either pecuniarily or physically, by the accident except the family of this unfortunate man who was killed. I think under those circumstances there is no ground for excluding this widow.

Mr. BURKETT. Mr. President, some one called my attention to this matter, and I objected to the bill a few days ago. I think the bill is entirely outside of the precedents that the Congress ever has established heretofore. I have not had time to go through all of them, but I have gone through a good many of them, and so far as I have found the precedent we have made—and it is limited, perhaps, to half a dozen cases—has been to pay for injuries to Government employees.

Mr. FULTON. I did not understand the Senator. Will he kindly repeat his statement?

Mr. BURKETT. I said that so far as concerns any precedents I could find, they were confined to payments for damages incurred on account of the injury or death of Government employees.

Mr. FULTON. Let me ask the Senator from Nebraska a question. Does he think there is a greater obligation on the Government to pay an employee who has suffered through the negligence of some other agent of the Government than there is to pay a perfect stranger who has suffered through the negligence of the Government? For instance, in this case, the man went on board the vessel by invitation, that is, impliedly by invitation, because the parties whom he was representing had sold the cruiser some coal, and he went on board to collect for it. As he was leaving the ship and had gotten down on a launch, through the negligence of servants of the United States he was killed. Does the Senator think there would have been a greater obligation to pay his widow had he been an employee of the Government? If so, I should be glad to have the Senator explain wherein a different equity would arise in the one case than in the other.

Mr. BURKETT. I do think there is a difference and that there is a different obligation of the Government to pay an em-



ployee of the Government than there is an outsider who is injured in a place where he has gone himself for a business transaction.

Mr. FULTON. Will the Senator allow me one other question?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. BURKETT. Yes.

Mr. FULTON. I ask the Senator if the equity would not in fact be stronger in favor of the stranger, in view of the fact that the employee assumes a certain amount of risk when he enters the employment, whereas the stranger assumes nothing, going there by invitation.

Mr. BURKETT. I expected to cover that point. I was about to say that I do think there is a different obligation morally on the part of the Government—and of course they are all moral obligations, and when we pass these bills we recognize them as such—to its employees than there is to the stranger who goes at arm's length on his own invitation to do business with an officer of the Government.

The report shows that this man was a coal dealer in Hongkong; that he went aboard the vessel to transact business with officers of the vessel; that while he was there this unfortunate occurrence took place, and the boat falling struck him. He was not there by direction of Government officers. So far as I can find from the report he was not there by invitation of a Government officer. He had gone there to transact business with Government officers, and assumed whatever liability attached from going there.

Mr. FULTON. I will ask the Senator if it is not a well-established principle in the law that where you purchase of another or incur indebtedness and fix a place where he shall come for pay and he goes there, he goes there on your invitation. Therefore, the cruiser having purchased coal, and that being a proper place for the agent to go to get the pay for the coal, he went there by invitation.

Mr. BURKETT. It might have been that the proper place to get the pay was in his office. He could have stayed there and there received his pay. There is nothing in the report to show any invitation, either direct or implied.

Mr. President, I have glanced through these precedents. Every one is where, under very distressing circumstances, the hearts of the members of the Committee on Claims and of the Senate and House have been won over by exceptional equity. There have been extremely appealing circumstances in the cases where the Government has paid damages, even to the families of its own employees, who were under the direction of its officers.

I have pending before the committee a case where, by the direction of the superior officer, a young employee went into a certain dangerous place and was killed. His family are asking the Government to recompense them. He was acting under the direction of the Government, through its officers. I submit that that is an entirely different case and that there is an entirely different equity in that case than in the case where a man in business goes to a place to transact business and by some unfortunate circumstance is injured.

Yesterday the Senate passed over from Rule VIII to Rule IX two claims that came up under this sort of reasoning: Some men out West somewhere started some cattle to market. By carelessness or negligence, or whatever we may call it, an officer of the Government improperly delayed the cattle, as the owner of the cattle contends, in getting to market. The market went down. As a result the owner lost some money, and he asks the Government to recompense him. A man in the transaction of business should recognize the law and the requirements and the conditions that are imposed by the Government. If the cattle had gone up the Government would have had just as good a claim to have the owner recompense it for what the Government's delay had made him in the increased price.

Here is a case that is entirely different from any precedent, so far as I can find, and I took occasion to investigate it some time a year ago when this matter was before the Committee on Claims and I was a member of that committee. I have not been able to find a precedent similar to this case, where the Congress has paid damages for the accidental death of any person who was standing at arm's length doing business with the Government. I submit it is a different proposition; and if we open the doors to this class of cases, we will simply open it to another class in addition to those for which there are precedents. In my opinion we ought to hold a man doing business with the Government up to the same responsibility, and attach to the Government no other liability than if the Government were a private individual.

Mr. FULTON. I should like to ask the Senator from Nebraska a question.

Mr. BURKETT. Certainly.

Mr. FULTON. The Senator has observed, I suppose, from the report that in this case the Government paid the Chinamen for the injuries they suffered?

Mr. BURKETT. They were employees of the Government.

Mr. FULTON. Very well.

Mr. GALLINGER. They got \$10 apiece.

Mr. FULTON. All right. If the Senator from Nebraska prefers to be understood as defending the payment for the injuries suffered by the Chinamen, even though they were employees of the Government, and the payment on account of the boat that was lying alongside and was injured, and yet is willing to stand here and deny any compensation to the widow of this man, he is entitled to that position.

Mr. BURKETT. When we get to an argument of that sort, I submit it should not be entitled to any recognition here. It is not a question of payment to this widow. It is a question here as to what sort of a precedent we are going to establish and whether we are acting within the proprieties in this case, or whether we are going to do that which will bring us trouble and endless expense hereafter. The Chinamen the Senator refers to were employees of the Government. They were there in that particular employ by the direction of an officer of the Government, and to adjust their claims and to relieve the Government of any further liability they did adjust those claims for a very small amount. I think some Senator said \$10 apiece.

Mr. PERKINS. I should like to ask the Senator from Nebraska a question.

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. BURKETT. Certainly.

Mr. PERKINS. I understood the chairman of the Committee on Claims to state that this party was lawfully on board the ship.

Mr. BURKETT. Yes, sir; he had gone there to collect a coal bill.

Mr. PERKINS. He was lawfully there. If it had been a merchant vessel and if he had gone into a court of equity, is there any question that the heirs of the deceased person would be entitled to damages? There is no question of it. I can cite case after case in my own experience where people lawfully on board a vessel have been injured by the employees of the vessel and the company or the owners of the ship were held liable for damages.

Now, it seems to me in all fairness and equity the Government should be equally as generous and equally as liberal as a private corporation or individual can be compelled to be if the party injured can have a hearing in a court of justice.

Mr. BURKETT. I am not going into the question as to how liberal the Government can afford to be. It can be as liberal as Congress thinks it ought to be. We have power to pass this bill. There are a great many widows and orphans whom the Government could help. There are a great many cases where its charity could be very well meted out, and I suspect that most of us know a great many instances where we could, with great propriety, upon arguments which would appeal to the Senate, appropriate money here and there. I rose only to answer the statement of the chairman of the committee and to call the attention of the Senate to the fact that there are no precedents for this case, and if we pass this bill we will make a precedent for which we will have a thousand similar bills hereafter.

This man was the agent of another person. He went on board the ship under the direction of the other person. He was injured in his employ, doing his work, at a place where he was sent. If there is any moral or other obligation to recompense this widow for her loss, it must be on the part of the man in whose employ he was and who sent him to this place where he was killed.

Mr. President, I submit there is no precedent for this case. There is not any more equity in it than there is in hundreds of other cases. If we establish this precedent, then the Committee on Claims ought to take up and recommend every other bill of this character. I am not saying it is improper to do so. I sympathize with the widow who lost her protector and support. We all do. There is no question about that. The question comes back, What is the proper thing for the Congress to do? We should not let ourselves be carried away by sympathy, but we should determine what is the proper thing to do. If this case is right, then let the committee recommend a hundred other cases which are before it.

Mr. BORAH. Mr. President, the rule which the committee undertook to follow in this case and in other classes of cases is in some way to measure the responsibility which would exist if the Government were an individual. There can be no question under the law that if this party went upon board ship by invitation, either expressed or implied, the Government, were it an individual, would be liable. It is not a question of negligence. If a party is conducting a place of business where by invitation, either express or implied, another party is asked to go to transact business and he receives an injury while there which arises out of the carelessness of the party who has invited him there, the law obligates the latter party to pay.

The party in this case was upon board ship by reason of the express invitation of the Government to go there and transact the business which he was called there to do. It is immaterial that he was sent there by another party. The fact is he went by the invitation of the Government to perform the functions which he was designated as an agent to do at that particular place, and it was the Government's duty to protect him while he was there in that position. It is not a question of protecting the widow by reason of charity, but simply of giving her what she would be entitled to have if she was proceeding against an individual by reason of the legal liability which exists.

Mr. SMOOT. Mr. President, as a member of the Committee on Claims, I have always made it a rule that I would vote for the payment of no claim against the Government of the United States that I would not be perfectly willing to pay if the claim were against myself. The Committee on Claims has been very careful indeed in scrutinizing every bill that has come before it, and in this particular case the facts, as stated by the Senator from Oregon, were taken under consideration, and the committee decided that it was a worthy case and should be recognized and paid by the Government.

I should like an expression as to the attitude of the Senate in relation to these personal-injury cases. I hope that either the Senator from New Hampshire or the Senator from Nebraska will object to the bill and let us have a vote upon a motion to proceed to its consideration, and thus secure an expression of the Senate upon this class of cases, for, as a member of the committee, I want to say there are a great many such claims to be passed upon. If it is understood that it is to be the policy of the Senate to pay no personal-injury claims, then, as a member of that committee, I should like to know, and I shall be very willing to take that position. But I do feel that if we are going to pay any kind of personal-injury claims, the one which is now before the Senate should be paid, because I believe it is a just one and has been carefully considered by the Committee on Claims of the Senate.

Mr. GALLINGER. Mr. President, I rise more particularly to correct the statement I made when I said that this man was in the employ of the Government. I thought he was in the employ of the Government on a Government vessel. It appears he was not. The accident occurred to him when he was visiting the ship on business.

Attention has been called to the fact that some Chinamen who were injured were compensated. They were, to the extent of \$10 a piece, and I presume that was all they were entitled to.

In looking at the report I find that in addition to Mr. Mayers four men who were not Chinamen were injured:

George Wolf (ordinary seaman) received a scalp wound, Frank Byrne (apprentice, second class) a scalp wound, and John Belevsen (seaman) suffered from shock.

James Hawkins (apprentice, second class) sprained his ankle.

Those four men do not seem to have been settled with, and I presume we will have four claims from these men, if they are alive, or from their representatives, if we pass the pending bill. I am not going to vote for the bill, but I shall not ask that it go over or make any factious opposition to it. If the debate is closed, I wish to offer some amendments to the bill, inasmuch as I propose to move to strike out the preamble, which I think ought not to remain in the bill. On page 1, line 4 of the bill, before the words "Mary C. Mayers," I move to strike out "the said," and in the same line, after the words "widow of," I move to strike out "the said."

The amendments were agreed to.

Mr. GALLINGER. On page 2, line 1, after the name "Joseph L. Mayers," I move to insert:

Who lost his life as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. *Charleston*, then lying in Victoria Harbor, Hongkong, China.

Those are the words of the preamble.

The amendment was agreed to.

Mr. GALLINGER. I shall move to strike out the preamble at the proper time, because it states that the accident occurred by the negligence of some of the ship's crew, while the late

Secretary of the Navy, John D. Long, says it was not due to the negligence of the officers or the ship's crew, but by the error of a young fellow who happened to have something to do with the machinery.

Mr. FULTON. I think the preamble should be stricken out.

Mr. GALLINGER. I think so.

Mr. FULTON. I did not personally report the bill, as I recall.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. BURKETT. I can not sit here and let a bill of this kind pass without a protest. I want a vote upon it.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

Mr. GALLINGER. I move to strike out the preamble.

The motion was agreed to.

#### LEASING OF LAND BY INDIAN ALLOTTEES.

The bill (S. 1773) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" was announced as the next business in order on the Calendar.

Mr. GAMBLE. The senior Senator from Wyoming [Mr. CLARK] indicated a desire to be heard on the bill if it came up for consideration. I do not see him in the Chamber at the moment, and I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from South Dakota.

#### LAND FOR CALIFORNIA INDIANS.

The bill (S. 517) authorizing the purchase of lands for California Indians, was announced as the next business in order on the Calendar.

Mr. GALLINGER. Mr. President, the bill was read yesterday, and I asked that it go over. I have no disposition to antagonize it. I hope it will be put on its passage without being read at this time, having been read yesterday.

The VICE-PRESIDENT. The bill has been read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to expend not to exceed \$50,000 to purchase for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation and for Indians who are not now upon reservations in that State suitable tracts or parcels of land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INDIANS ON FORT BELKNAP INDIAN RESERVATION, MONT.

The bill (S. 3084) providing for the purchase of machinery, tools, implements, and animals for the Indians on Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops, was announced as the next business in order on the Calendar.

Mr. CARTER. The bill was read yesterday.

Mr. GALLINGER. Mr. President, the bill was read yesterday, and I made some objection to it. I have not changed my mind about the legislation. I think it is not only extraordinary, but somewhat vicious; but as it deals with the Indians of Montana, about whom the Senator from Montana knows a great deal more than I do, I do not propose to urge any further objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments. The amendments were, in line 3, after the word "implements," to strike out "and;" in line 4, after the word "animals," to insert "and other equipment;" in line 5, after the word "Montana," to insert "and for the compensation of additional employees at the Fort Belknap Agency in said State," so as to make the bill read:

*Be it enacted, etc.,* That for the purchase of machinery, tools, implements, animals, and other equipment for the Indians on the Fort Belknap Indian Reservation, in the State of Montana, and for the compensation of additional employees at the Fort Belknap Agency in said State, to enable said Indians to engage in the raising of sugar beets and other crops, the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Interior, under such conditions as said Secretary may prescribe for the repayment by said Indians to the United States of the sum so expended.



The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CORPS OF ARMY DENTAL SURGEONS.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 4432) to reorganize the corps of dental surgeons attached to the Medical Department of the Army. The bill was read yesterday just at the close of the morning hour.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BULKELEY. I ask unanimous consent that 300 additional copies of the bill and the report be printed; the supply is exhausted.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

#### ALFRED BURGESS.

Mr. PLATT. I ask leave to call up the bill (S. 1162) to correct the naval record of Alfred Burgess.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct the record of Alfred Burgess, late a seaman on board the U. S. S. *Sonoma* and *Juniata*, and to remove any charge of desertion now standing against his record and to issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PETER H. BRODIE.

Mr. PLATT. I should like also to call up the bill (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett.

Mr. GALLINGER. I will not object to this bill, but after it is considered I shall ask for the regular order.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct the naval record of Peter H. Brodie, alias Patrick Torbett, late a sailor in the United States Navy, serving on the United States battle ship *Ohio*, the United States ship *Maria Denning*, and the *Undine*, and to issue to him a discharge from the service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The next business on the Calendar will be announced.

#### GOVERNMENT DEPOSITARIES.

The resolution submitted by Mr. STONE on the 23d instant, authorizing and directing the Finance Committee to make inquiry and report as to the distribution of moneys of the United States by the Secretary of the Treasury was announced as next in order.

Mr. STONE. I ask that the resolution may go over without prejudice.

The VICE-PRESIDENT. The resolution will go over without prejudice at the request of the Senator from Missouri.

#### EXTENSION OF BOUNTY-LAND LAWS.

The bill (S. 1407) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies of the Florida Seminole Indian war, was announced as next in order.

Mr. LODGE. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Massachusetts.

#### WILLIAM C. O'NEAL.

The bill (S. 1405) granting an increase of pension to W. C. O'Neal was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. O'Neal, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William C. O'Neal."

#### HESTER KITE.

The bill (S. 1406) granting an increase of pension to Hester Kite was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "and," to strike out "St. George Rogers's regiment of cavalry" and insert "First Regiment Florida Mounted Volunteers, Seminole Indian war;" and in line 12, before the word "dollars," to strike out "fifteen" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester Kite, widow of Benjamin Kite, late of Captain Stewart's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN LOURCEY.

The bill (S. 1404) granting an increase of pension to John Lourcey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lourcey, late of Captain Brady's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ULYSSES G. WINN.

The bill (S. 604) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States was considered as in Committee of the Whole. It proposes to appropriate \$132.80 to reimburse Ulysses G. Winn for the amount, erroneously deposited by him while United States commissioner at Center and Stonewall, in the southern district of the Indian Territory, in the years 1900 and 1901, and which was paid into the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### A. A. NOON.

The bill (S. 533) for the relief of A. A. Noon was announced as next in order.

Mr. BURKETT. There does not appear to be a report in that case. I ask that the bill may go over.

Mr. SMOOT. I should like to state that I called for the report, but the report has not been printed. I have, however, the report which was made at the last session of Congress.

Mr. BURKETT. Let the bill go over for the present until I can see the report.

The VICE-PRESIDENT. The bill will go over without prejudice.

#### GEORGE W. YOUNG.

The bill (S. 534) to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps was considered as in Committee of the Whole. It proposes to appropriate for the reimbursement of George W. Young, postmaster at Wanship, in the State of Utah, for postage stamps stolen from a safe without fault on his part, \$163.87.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ASSAY OFFICE AT SALT LAKE CITY, UTAH.

The bill (S. 642) to establish an assay office at Salt Lake City, State of Utah, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## EXTENSION OF MERIDIAN PLACE NW.

The bill (S. 3416) to amend an act entitled "An act authorizing the extension of Meridian place NW." approved January 9, 1907, was considered as in Committee of the Whole. It proposes to amend the act by adding after the words "50 feet," at the end of section 1 thereof, the words "along such line as said Commissioners shall deem most advantageous."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## MINING TECHNOLOGY BRANCH.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as next in order.

Mr. LODGE. I ask that the joint resolution may go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice at the request of the Senator from Massachusetts.

## LOCATION OF MINERAL CLAIMS.

The bill (S. 129) to validate the location of mineral claims heretofore made by United States deputy mineral surveyors during their incumbency in office was considered as in Committee of the Whole.

The bill was reported from the Committee on Mines and Mining with an amendment, in line 7, page 1, after the word "office," to insert "as deputy mineral surveyors and such locations shall not be deemed to be," so as to make the bill read:

*Be it enacted, etc., That the title to mining claims heretofore located by persons holding commissions as United States deputy mineral surveyors shall not be held invalid by reason of the fact that such locations were made by deputy mineral surveyors during their incumbency in office as deputy mineral surveyors and such locations shall not be deemed to be in violation of section 452 of the Revised Statutes of the United States.*

Mr. GALLINGER. I desire to call attention to the amendment. The Senator who reported the bill is not here. The bill reads, "such locations were made by deputy mineral surveyors during their incumbency in office," and it is proposed to insert "as deputy mineral surveyors." If they were deputy mineral surveyors I do not know why we want to put an amendment in the bill repeating the fact that they were deputy mineral surveyors. Let the bill go over until the Senator who reported it is present.

The VICE-PRESIDENT. The bill will go over without prejudice.

## ALASKA-YUKON-PACIFIC EXPOSITION.

The bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909 was announced as next in order.

Mr. BURKETT. Let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Nebraska.

## PORT HUDSON FORLORN HOPE STORMING PARTY.

A bill (S. 629) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn hope storming party, was considered as in Committee of the Whole.

Mr. GALLINGER. In line 10, page 1, before the word "volunteers," I move to insert the word "surviving;" after the word "party," in the same line, I move to strike out the comma and insert a period; and to strike out the word "or," in the same line, and let the word "in" begin with a capital. Let the Secretary kindly read the bill as it will stand if amended.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. In line 10, before the word "volunteers," insert the word "surviving;" in the same line, after the word "party," strike out the comma and insert a period; strike out the word "or" and begin the word "in" that follows with a capital I, so that if amended the bill would read:

*Be it enacted, etc., That the Secretary of War is hereby authorized to procure a suitable bronze medal commemorating the organization of the volunteer storming party against the works at Port Hudson, La., organized, pursuant to General Order No. 49, by command of Major-General Banks, commanding the Department of the Gulf, June 15, 1863, and present one of said medals to each of the surviving volunteers of said storming party. In case of the decease of the volunteer said medal shall be given to his widow or oldest heir: Provided, That such medal shall bear an inscription in suitable language to be designated by the Secretary of War, giving the name of the volunteer, his company and regiment, and stating in substance that the person to whom this medal was awarded volunteered for said storming party: Provided further, That for the purposes of this act the sum of \$2,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.*

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. PILES. Mr. President, a few moments ago I was out of the Chamber in answer to the call of a gentleman who had some business with me, when I understand that the bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909 was put under Rule IX at the request of the Senator from Nebraska [Mr. BURKETT]. I hope the Senator will withdraw his request. If he is opposed to the bill, I have no objection, of course, to his urging any objection he may have to it, but I should like to get it up in its regular order instead of having it put under Rule IX. I am perfectly willing to have the bill called up when he is present; I shall not call it up in his absence, but I do not care to have the bill put under Rule IX.

Mr. BURKETT. I am very much opposed to the bill. I did not know that I had done anything improper or more than the Senator might expect I would do in having the bill placed under Rule IX. I had supposed that when a bill went to the Calendar under Rule IX it then took a motion to take it up for consideration, and therefore it could not be taken up properly when I would not have a chance to know something of it. If it simply goes over under Rule VIII, as I understand—

## REVISION OF THE PENAL LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. SUTHERLAND. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Utah asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

## DELAY IN CONSIDERATION OF THE CALENDAR.

Mr. LODGE. I ask that the Senate may continue the Calendar under Rule VIII.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. If the matter of Rule IX has been settled between the two Senators, I wish to call attention to the fact that from Order of Business 144, Senate bill 4024, we have neither bills nor reports on our files, and therefore it is impossible to deal with them. There is no report here for Calendar No. 133, Senate bill 533, and the bill was reported on the 27th of January. Those reports and bills ought to have been here this morning in time to go on our files. I mention it in order to call the attention of the Printing Office to it. We can not undertake to do business here unless we can get ordinary bills and reports of this kind, which are mostly very brief, in the morning in time to deal with them. As it is, we are cut off from finishing the Calendar, because we have no reports or bills.

Mr. CULLOM. If there is nothing further to be done in legislative session, I will move an executive session.

Mr. KEAN. I hope the Senator will withhold the motion for a moment.

Mr. CULLOM. I will withhold it if there is anything to be done.

## ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. PILES. I should like to ask—

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. Certainly.

Mr. BURKETT. I was in the midst of a statement when I was cut off by the expiration of the morning hour, and I wish to finish it.

As I said, I asked to have the bill go to the Calendar, under Rule IX, because I thought then when it was taken up I would be here and would get a chance to oppose it. I have no objection to the bill being taken up at any time, provided we can debate it and have a vote on it. I did not want to have anything improperly done because the Senator from Washington was absent. If I could not have had the bill passed to Rule IX, had the Senator from Washington been here, then I want to withdraw any request I made and put it right back to where it was. I do not want to take any advantage of his absence. If by the Senator's objection he could have prevented its going to Rule IX, then I want to withdraw my request and put it back under Rule VIII.

The VICE-PRESIDENT. What is the request of the Senator from Nebraska?

Mr. BURKETT. My request now is that the bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. In the absence of objection the



order placing the bill upon the Calendar under Rule IX is rescinded at the request of the Senator from Nebraska and the bill will be placed on the Calendar under Rule VIII.

Mr. BURKETT. I now renew my request that it go to the Calendar under Rule IX.

Mr. PILES. I oppose that request and ask that the bill remain on the Calendar under Rule VIII. It is important that the bill shall be disposed of one way or the other at an early date. The people of my section of the country have expended very large sums of money in an effort to give an exposition, which will take place in June, 1909. In order to prepare for the exposition it is necessary that action shall be taken on the bill at an early date. I will ask for a vote on the proposition if necessary.

Mr. BEVERIDGE. I take it for granted if the bill goes back, as the Senator from Nebraska has so kindly said he would consent, to the Calendar, and the Senator from Washington should give assurance that the bill will not be called and acted upon without the Senator from Nebraska being present, that is only fair.

Mr. PILES. I shall certainly call it up publicly and ask that it be set down for discussion.

Mr. BURKETT. This matter—

Mr. LODGE. I do not see how we can make an arrangement of that sort. There may be other Senators who wish to discuss the bill. As long as it is on the Calendar under Rule VIII it is likely to go through, or may go through, as unobjected business. I personally have no objection to the bill, but there may be other Senators who do object to it. I think it ought to be placed either under Rule IX or Rule VIII. I do not think you can put any qualification upon it.

Mr. BEVERIDGE. There is nothing to prevent the Senator from Washington making the request that he did. It is that the bill should go to the Calendar as it was before. The Senator from Nebraska has withdrawn his objection to that, and I made the suggestion, in view of that very courteous action on the part of the Senator from Nebraska, that the Senator from Washington of course would give the Senator from Nebraska assurance in open Senate that the bill would not be taken up in the absence of the Senator from Nebraska, which is fair on both sides.

The VICE-PRESIDENT. The Senator from Nebraska will kindly restate his request.

Mr. BURKETT. My request is now that the bill shall go to the Calendar under Rule IX. As I understand it, the Senator from Washington objects. It may require a vote to send it to Rule IX.

The VICE-PRESIDENT. According to the usual practice, the bill will go to the Calendar under Rule IX at the request of the Senator from Nebraska. The Senator from Washington can move to take up the bill from the Calendar under Rule IX for consideration.

Mr. BURKETT. I have requested that the bill go to the Calendar under Rule IX.

Mr. PILES. Do I understand the Chair to state that the bill can be put under Rule IX on the request of one Senator without a vote?

The VICE-PRESIDENT. It has been the long established practice to do so upon the request of one Senator. The Senator from Washington can move to proceed to the consideration of the bill, which brings it before the Senate if the motion prevails, notwithstanding the request made by the Senator from Nebraska.

Mr. PILES. Several Senators want to make some remarks on the bill, and there may be some who desire to make objections to it. I will take it up at a stated time and let them know. For that reason I do not like to move its consideration at the present time, but I will move, if it is proper for me to do so, that the bill be reinstated on the Calendar.

Mr. LODGE. I do not think the Senator from Washington is really in the least limited by its going to the Calendar under Rule IX. He can make a motion to take it up any day after 1 o'clock.

Mr. PILES. Then I will give notice now that I shall submit some remarks next Monday on the bill and ask for its consideration.

#### EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I was on my feet to make that motion.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 2 o'clock

and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 30, 1908, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate, January 29, 1908.*

##### SURVEYOR OF CUSTOMS.

Leander M. Shubert, of Iowa, to be surveyor of customs for the port of Council Bluffs, in the State of Iowa.

##### POSTMASTERS. COLORADO.

Robert E. Hanna to be postmaster at New Windsor, Weld County, Colo.

##### ILLINOIS.

William A. Collins to be postmaster at Western Springs, Cook County, Ill.

Charles A. Duntley to be postmaster at Bushnell, McDonough County, Ill.

Leander F. Gowdy to be postmaster at Enfield, White County, Ill.

Horace H. Peaslee to be postmaster at Naperville, Dupage County, Ill.

William L. Seymour to be postmaster at Raymond, Montgomery County, Ill.

Allen H. Webster to be postmaster at Cuba, Fulton County, Ill.

##### IOWA.

Alonzo Bryson to be postmaster at Davenport, Scott County, Iowa.

William C. Marsh to be postmaster at Aurelia, Cherokee County, Iowa.

Minnie A. Muhs to be postmaster at Akron, Plymouth County, Iowa.

George W. Wiltse to be postmaster at Montezuma, Poweshiek County, Iowa.

##### MAINE.

George L. Thompson to be postmaster at Brunswick, Cumberland County, Me.

##### MASSACHUSETTS.

Edward G. Spooner to be postmaster at Fairhaven, Bristol County, Mass.

Frank M. Tripp to be postmaster at Marion, Plymouth County, Mass.

Edwin F. Wyer to be postmaster at Woburn, Middlesex County, Mass.

##### MINNESOTA.

Emil Nelson to be postmaster at Albert Lea, Freeborn County, Minn.

Charles W. Paige to be postmaster at Dawson, Lac qui Parle County, Minn.

William B. Strom to be postmaster at Hector, Renville County, Minn.

##### NEBRASKA.

Joshua H. Evans to be postmaster at Callaway, Custer County, Nebr.

##### NEW MEXICO.

May Crawford to be postmaster at Mesilla Park, Dona Ana County, N. Mex.

Charles O. Leach to be postmaster at Portales, Roosevelt County, N. Mex.

Thomas B. Platt to be postmaster at Hagerman, Chaves County, N. Mex.

##### NORTH DAKOTA.

William G. Mitchell to be postmaster at Minto, Walsh County, N. Dak.

##### PENNSYLVANIA.

James M. Dreher to be postmaster at Weatherly, Carbon County, Pa.

Samuel S. Graffin to be postmaster at Catasauqua, Lehigh County, Pa.

Harvey W. Marburger to be postmaster at Denver, Lancaster County, Pa.

J. H. Rowe to be postmaster at Millersburg, Dauphin County, Pa.

George S. Stroup to be postmaster at Oakmont, Allegheny County, Pa.

##### WEST VIRGINIA.

John F. Lewis to be postmaster at Point Pleasant, Mason County, W. Va.

##### WISCONSIN.

Samuel L. Mason to be postmaster at Blanchardville, Lafayette County, Wis.

A. J. W. Nixon to be postmaster at Delafield, Waukesha County, Wis.